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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

F.G. CROSTHWAITE and RUSSELL E.
BURNS, in their respective capacities as
Trustees, of the OPERATING ENGINEERS'
HEALTH AND WELFARE TRUST FUND
FOR NORTHERN CALIFORNIA, et al.;

Plaintiffs,

v.

ECI AGGREGATES, INC., a California
corporation,

Defendant.

Case No.: C11-0353 PJH

**REQUEST TO CONTINUE CASE
MANAGEMENT CONFERENCE**

Date: December 8, 2011

Time: 2:00 p.m.

Location: Courtroom 3, 3rd Floor
1301 Clay Street
Oakland, California

Judge: Honorable Phyllis J. Hamilton

Plaintiffs herein respectfully request a Continuance of the Case Management Conference currently on calendar for December 8, 2011 at 2:00 p.m.

1. On September 28, 2011, Plaintiffs previously requested the Case Management Conference of October 6, 2011 be continued for sixty (60) days to allow preparation, notice and disposition of a Motion for Default Judgment ("Motion"). [*Dkt. No. 20.*]

2. This Court provided sixty (60) days continuance to December 8, 2011 [*dkt. No. 21*], but further research indicates that Defendant may be judgment proof.

3. Next week, counsel for Plaintiffs is scheduled to present this matter to Plaintiffs' Board of Trustees to determine the course of action to be taken.

1 4. Depending on the outcome of the meeting, if Plaintiffs determine there is cause to
2 obtain a judgment, Plaintiffs will file the Motion, or in the alternative, if Plaintiffs determine not to
3 pursue this matter, a Voluntary Dismissal will be filed.

4 5. There are therefore no issues that need to be addressed at the currently scheduled
5 conference. Accordingly, Plaintiffs respectfully request that the Case Management Conference,
6 currently scheduled for December 8, 2011, be continued for another sixty (60) days to allow
7 Plaintiffs time to determine and resolve the course of action needed in this matter.

8 I declare under penalty of perjury that the foregoing is true and correct of my own personal
9 knowledge and if called upon to testify, I could competently testify thereto.

10 Executed this 30th day of November, 2011, at San Francisco, California.

11 SALTZMAN & JOHNSON
12 LAW CORPORATION

13 _____/s/_____
14 Muriel B. Kaplan
15 Attorneys for Plaintiffs

16
17 **IT IS SO ORDERED:**

18 The Case Management Conference in this matter shall be continued to
19 February 9 _____ 2012 at 2:00 p.m., and all other previously set dates shall
20 be vacated, and reset at that time as necessary.

21
22
23 Dated: 12/2/11 _____



PROOF OF SERVICE

I, the undersigned, declare:

I am a citizen of the United States and am employed in the County of San Francisco, State of California. I am over the age of eighteen and not a party to this action. My business address is 44 Montgomery Street, Suite 2110, San Francisco, California 94104.

On November 30, 2011, I served the following document(s):

REQUEST TO CONTINUE CASE MANAGEMENT CONFERENCE

on the interested parties in said action by First Class U.S. Mail by placing a true and exact copy of each document in a sealed envelope with postage thereon fully prepaid, in a United States Post Office box in San Francisco, California, addressed as follows:

**Robert Vaughan
Agent for Service of Process
ECI Aggregates, Inc.
11879 Kemper Road #1
Auburn, California 95603**

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on this 30th day of November, 2011, at San Francisco, California.

_____/s/_____
Qui X. Lu